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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,524	09/24/2001	Junh-Hsien Tu	3313-0380P-SP	5306
2292	7590	11/17/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			THEIN, MARIA TERESA T	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/960,524

Applicant(s)

TU ET AL.

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09-24-01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on September 24, 2001 is being considered by the examiner.

### ***Drawings***

The drawings filed on September 24, 2001 are acceptable.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "inside the purchaser" is unclear. Examiner will interpret the phrase as "to distribute materials to the purchaser".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,450,317 to Lu et al. in view of U.S. Patent No. 6,243,613 to Desiraju et al.**

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Regarding claims 1-2 and 5-7, Lu discloses the method of ordering online purchasing (purchaser order generation col. 8, lines 23-24) distribution of materials to complete material purchasing processes between a purchaser and a material's supplier comprising: the steps of sending an order (purchaser order generation col. 8, lines 23-24), in which an enterprise server host in the purchaser computes material demand forecast information (demand forecasting means 12 of Figure 2; col. 3, lines 43-47) and sends a material order containing the material demand forecast information to a material supplier (purchase order generation and transmit purchase order col. 8, lines 23-24; col. 8, lines 30-31); the step of checking deliver materials, in which content of the material order is used to verify with the items, quality, and quantities of material delivered (Item class repair history includes: return rates; defective on return, keep rate, etc. col. 8, lines 14-17) and the accepted one are shipped to a supplier's temporary stored area in a storage (logistic planning method and system to recommend optimal order quantities and timing, choice of vendor locations and storage locations col. 3, line 10-14; col. 9, lines 22-24). Furthermore, Lu discloses the updating inventory information to add checked and accepted material information (inventory management cost; col. 7, lines 31-32; item class repair history includes return rate, defective on return, keep rate, repairable col. 8, lines 13-17).

Lu does not expressly disclose Internet. Lu discloses a computer having memory and incorporates item, customer, supplier, and routing information databases (col. 3, lines 39-42) and the step of material distribution and online payment.

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However, Desiraju teaches the Internet (Internet protocol col. 7, lines 6-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Lu to include the Internet, so as to provide global communication.

Furthermore, Lu does not disclose the step of material distribution and online payment; real-time demand information according to the materials immediately needed by the production lines; and the earliest shipping time. Lu discloses the items are shipped to warehouses, stored in the warehouses and later shipped to customers (col. 9, lines 22-24). Moreover, Lu discloses a detailed report for warehouses which includes warehouse location, when to order, order quantity order in each order, and transportation mode (col. 12, lines 26-30).

However, Desiraju teaches the step of material distribution and online payment ("payment-to-suppliers-upon-use" col. 2, lines 56-57; col. 3, lines 6-7; financial arrangement col. 6, lines 15-16); real-time demand information (see at col. 1, lines 18-27; col. 4, lines 52-53; col. 16, lines 50-53); and the earliest shipping time (delivery lead time for item; col. 1, lines 24-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Lu to include the step of material distribution and online payment; real-time demand information according to the materials immediately needed by the production lines; and the earliest shipping time in order to provide the customer with an opportunity to establish and/or nurture longer-

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term partnerships with its suppliers (Desiraju col. 3, lines 1-3). Furthermore, it provides an optimized procurement process (Desiraju col. 1, lines 37-38).

Regarding claim 3, the combination of Lu and Desiraju does not explicitly disclose the material order is posted onto a network trading center. However, the recitation of "the material order is posted onto a network trading center" is given little patentable weight because it imparts no structural or functional specificity, which serves to patentably distinguish the instant invention from the other post already taught by the combination of Lu and Desiraju.

Regarding claim 4, Desiraju teaches postal order (col. 7, lines 1-2).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 5,758,329 to Wojcik discloses a system for managing customer order suing vendor supplied software systems interfaced on a real-time basis.

U.S. Patent No. 5,963,919 to Brinkley et al. discloses an inventory management strategy evaluation system and method.

U.S. Patent No. 5, 101,352 to Rembert discloses an integrated Material Requirement Planning system for distributors, manufacturers and job shops.

U.S. Patent No. 6,148,291 to Radican discloses container and inventory monitoring methods and systems to provide detailed logical control of shipping and in-transit inventory.

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U.S. Patent No. 6,591,243 to Grettve et al. discloses a method of controlling the flow and balance of goods and related information from point of origin to point of consumption in a logistic system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot  
November 12, 2004

*Michael Cuff* 11/15/04  
**MICHAEL CUFF**  
**PRIMARY EXAMINER**